

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

FELICIA ROBINSON

PLAINTIFFS

v.

CIVIL ACTION NO: 1:19-CV-00121-SA-DAS

**WEBSTER COUNTY, MISSISSIPPI;
WEBSTER COUNTY SHERIFF'S DEPARTMENT;
TIM MITCHELL; SANTANA TOWNSEND;
DAREN PATTERSON; and
JOHN DOES 1-30**

DEFENDANTS

MOTION FOR JUDGMENT ON THE PLEADINGS

NOW COMES DEFENDANT, Webster County, Mississippi, by counsel, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, and respectfully submits its Motion for Judgment on the Pleadings, as follows:

1. **FELICIA ROBINSON** was not in custody of Webster County and had not been convicted. The State Created Danger Doctrine is not recognized in the 5th Circuit. Each of her constitutional theories fail as a matter of law.
2. **DAREN PATTERSON** was illegally released. Claims arising under state law against Webster County necessarily fail as a matter of law because Mississippi applies the public duty doctrine and does not waive immunity for claims arising from illegal acts.

BRIEFING: As required by our local rules, an appropriate memorandum of supporting authority is being filed herewith.

WHEREFORE, PREMISES CONSIDERED, Defendant Webster County respectfully requests that this Court dismiss all remaining claims.

RESPECTFULLY SUBMITTED, this the 15th day of August, 2019.

JACKS | GRIFFITH | LUCIANO, P.A.

By: /s/ **Daniel J. Griffith**
Daniel J. Griffith, MS Bar No. 8366
Mary McKay Griffith, MS Bar No. 100785
Attorneys for Defendant Webster County, MS

Of Counsel:

JACKS | GRIFFITH | LUCIANO, P.A.

P. O. Box 1209
150 North Sharpe Avenue
Cleveland, MS 38732
telephone: (662) 843-6171
facsimile: (662) 843-6176
cell: (662) 721-7323
Email: dgriffith@jlpalaw.com
mgriffith@jlpalaw.com
www.jlpalaw.com

CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendant, Webster County, Mississippi, do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Motion for Judgment on the Pleadings* to be delivered by the ECF Filing System which gave notice to all counsel of record who have appeared herein.

Matthew D. Wilson, Esq.
Law Office of Matthew Wilson, PLLC
212 East Main Street
Starkville, MS 39759
Phone: (662) 312-5039
Email: starkvillelawyer@gmail.com
Attorney for Plaintiff

William R. Allen, Esq.
Allen, Allen, Breeland & Allen, PLLC
214 Justice Street
P.O. Box 751
Brookhaven, MS 39602
Phone: (601) 833-4361
Email: wallen@aabalegal.com
Attorney for Defendants Tim Mitchell and Santana Townsend, Individually

DATED this 15th day of August, 2019.

/s/ **Daniel J. Griffith**
Daniel J. Griffith